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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002,076

Applicant(s)

BISCHEL ET AL.

Examiner

Sharon E. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transformer (claim 10), the plurality of cross beams (claim 14), the ceiling panel (claim 14) and the plurality of plank elements (claim 17) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the truss cable" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the first cable truss" in line 6. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,174,430A (hereinafter "Perrin").

Regarding claim 1, Perrin discloses a beam for use in buildings. The beam includes a main beam (reference number 10), at least a first standoff (compression struts, reference numbers 36 and 38), a first cable (bracing strut, reference numbers 30, 32 and 34) anchored to the main beam near the ends of the main beam and extending over the standoff (Fig. 1), the cable substantially spanning the length of and providing support to the main beam (Fig. 1).

Concerning claim 2, Perrin discloses the cable being anchored at the ends of the main beam (abstract).

Regarding claim 3, Perrin discloses the main beam having a cross-section with a "T" profile (Fig. 1).

Concerning claim 12, Perrin discloses the cable being tensioned (abstract).

5. Claims 4, 5, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin in view of Mauer (U.S. Patent 5,025,357).

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Regarding claim 4, Perrin does not disclose a lamp attached to the cable. Maurer discloses a lamp (reference number 18) attached to the cable (lead in wire, reference number 2).

Concerning claim 5, Perrin does not disclose a low voltage light fixture. Maurer discloses the lamp (reference number 18) comprising a low voltage light fixture (abstract).

Regarding claim 7, Perrin does not disclose a lamp attached to the first and second cable. Maurer discloses a lamp (reference number 18) attached to the first cable (reference number 2) and the second cable (reference number 4).

Concerning claim 8, Perrin discloses a second standoff (reference number 38) connected to and projecting from the main beam (Fig. 1) the first and second standoffs being spaced apart (Fig. 1), the truss cable (first cable) extending over the first and second standoff (Fig. 1). Perrin does not disclose a second cable or the lamp.

Maurer discloses a second cable (reference number 4) that is substantially parallel to the first cable (reference number 2) and electrically isolated from the first cable (column 1, lines 66-68). Maurer also discloses a lamp (reference number 18) attached to the first and second substantially parallel cables (Fig. 5).

Attaching the second cable to the first and second standoffs is considered to be an obvious variation in design. In Perrin, one cable is already connected to the standoffs. It would have been obvious to one of ordinary skill in the art to attach the second cable in the Perrin reference for providing additional support.

It would have been obvious to one of ordinary skill in the art to use the cables of Maurer in the Perrin apparatus for providing electricity to the lamp.

Regarding claim 9, Perrin does not disclose a power supply. Maurer discloses a power supply (reference number 10) electrically coupled to the cable (Fig. 1).

6. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin.

Regarding claim 6, Perrin discloses a second standoff (reference number 38) connected to and projecting from the main beam (Fig. 1). Perrin does not disclose a second cable anchored near the ends of the main beam and extending over the second standoff, the second cable being substantially parallel to the first cable and substantially spanning the length of and providing support to the main beam.

Providing a second cable as described in the claim is considered to be an obvious duplication of parts. It would have been obvious to one of ordinary skill in the art to provide a second cable in the Perrin reference like the first cable for providing additional support to the main beam.

Concerning claim 11, Perrin does not specifically disclose a 12-foot main beam. Making the main beam 12 feet long is considered to be an obvious variation in design. It would have been obvious to one of ordinary skill in the art to decide the length of the main beam in the Perrin reference to satisfy building requirements.

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7. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin and Maurer as applied to claim 9 above, and further in view of Guth, Jr. (U.S. Patent 3,683,173).

Regarding claim 10, Perrin does not disclose a transformer. Guth, Jr. discloses a transformer electrically connected to the electrified cable (column 2, lines 36-42).

It would have been obvious to one of ordinary skill in the art to use a transformer in the Perrin reference to vary the voltage in the circuit.

8. Claims 13, 14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin in view of Claussen et al. (U.S. Patent 4,109,305).

Regarding claim 13, Perrin does not disclose the main beam supporting a plurality of ceiling panels. Claussen et al. discloses the main beam (suspension system, reference number 2) further supporting a plurality of ceiling panels (reference number 6).

It would have been obvious to one of ordinary skill in the art to add the ceiling panels of Claussen et al. to the structure of Perrin for forming a ceiling in a room.

Concerning claim 14, Perrin discloses a truss assembly having a main beam (reference number 10), at least one standoff support connected to and projecting from the main beam (reference number 36, Fig. 1), and a cable (reference numbers 30, 32, and 34) in communication with the standoff and substantially spanning the length of the main beam (Fig. 1). Perrin does not disclose a plurality of truss assemblies as described above, the cross beams or the ceiling panel.

Claussen discloses a plurality of cross beams (reference number 4) running substantially perpendicular to and in communication with the main beam to form a grid (Fig. 1) and a ceiling panel supported by the grid (reference number 6).

Providing a plurality of truss assemblies is considered to be an obvious duplication of parts. It would have been obvious to one of ordinary skill in the art to provide a plurality of the truss assemblies disclosed in the Perrin reference to support a ceiling.

Concerning claim 16, Perrin does not disclose a lamp attached to the cable. Claussen et al. discloses a lamp (reference number 24) attached to the cable (Fig. 1).

Regarding claim 17, Perrin discloses a truss assembly having a main beam (reference number 10), at least one standoff support connected to and projecting from the main beam (reference number 36, Fig. 1), and a cable (reference numbers 30, 32, and 34) in communication with the standoff and substantially spanning the length of the main beam (Fig. 1). Perrin does not disclose a plurality of truss assemblies as described above or the plank elements.

Claussen et al. discloses a plurality of plank elements (reference numbers 4 and 8) spanning between the main beams (reference number 2).

Providing a plurality of truss assemblies is considered to be an obvious duplication of parts. It would have been obvious to one of ordinary skill in the art to provide a plurality of the truss assemblies disclosed in the Perrin reference to support a ceiling.



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Regarding claim 18, Perrin does not disclose the plank elements being made of metal. Using metal as a ceiling support is well known in the art. It would have been obvious to one of ordinary skill in the art to use metal for the planks in the Perrin reference.

Concerning claim 18, Perrin does not disclose a lamp attached to the cable. Claussen et al. discloses a lamp (reference number 24) attached to the cable (Fig. 1).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin and Claussen et al. as applied to claim 14 above, and further in view of Halchuck (U.S. Patent 6,079,177).

Regarding claim 15, Perrin does not disclose the composition of the ceiling panel. Halchuck discloses a ceiling panel comprising fiberglass (column 2, lines 57-61).

It would have been obvious to one of ordinary skill in the art to use the fiberglass of Halchuck in the apparatus of Perrin to form the ceiling panels.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (703) 308-2125. The examiner can normally be reached on regular business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Cariaso can be reached on (703) 308-1952. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

sep  
: September 17, 2002



ALAN CARIASO  
PRIMARY EXAMINER